

1 HONORABLE RONALD B. LEIGHTON  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA  
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15 UNITED STATES OF AMERICA,  
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17 Plaintiff,

18 v.  
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20 DAVID CARROLL STEPHENSON,  
21  
22 Defendant.

23 Case No. CR05-5158RBL  
24  
25 ORDER  
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27 THIS MATTER comes on before the above-entitled Court upon Defendant's "Motion to Claim and  
28 Exercise Constitutionally Protected Rights . . ." [Dkt. #297] and "Motion to Demand that the United States  
District Court . . ." [Dkt. #300].

Having considered the entirety of the records and file herein, the Court rules as follows:

On May 18, 2006 defendant filed a Notice of Appeal [Dkt. #265] of the Judgment and Commitment entered that same day. "The filing of a notice of appeal 'confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.'" *United States v. Ortega-Lopez*, 988 F.2d 70. 72 (9<sup>th</sup> Cir. 1992), quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). Because defendant's "motions" raise the same issues defendant raised throughout the proceedings before he filed his Notice of Appeal, this Court is without jurisdiction to rule on the "motions." It is therefore

**ORDERED** that defendant's "motions" [Dkt. #s 297 and 300] are **DISMISSED**.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 27<sup>th</sup> day of November, 2006.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE